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## Overview of the National legislation about Coastal Erosion in Cyprus

The beaches of Cyprus, renowned for their beauty and purity, are one of the primary tourist products of the island and their management yields significant economic benefits. In addition to their importance for the economy and recreation of both tourists and locals, the beaches of Cyprus are an important habitat for many species of flora and fauna, some of which have been identified by the International Union for Conservation of Nature (IUCN) as endangered, such as the loggerhead turtle (*Caretta caretta*), the green turtle (*Chelonia mydas*) and the monk seal (*Monachus monachus*), which are critically endangered, and the critically endangered endemic flora species *Malcolmia nana* var. *glabra*, the population of which is limited to a small area within the “Natura 2000” network. The attractiveness of the Cypriot beaches creates inevitable pressures for development.

Regarding the legal framework for protection from coastal erosion in Cyprus, it is very limited. The Beach Protection Zone (BPZ thereon) protocols were established several years ago, and they did not take into account the impact that erosion could have in the coastal environment. During the period 1963 – 2008 the coast of Cyprus was eroded by a total of 2.2 km<sup>2</sup>, with an average erosion of 14m over a coast of 92,338m in length. Also the BPZ in Cyprus is not compatible with the Barcelona Convention, which is ratified by the European Union.

Furthermore, the legislation in Cyprus has some other issues which perpetuate the coastal erosion problems, specifically:

- No satisfactory explanations were provided regarding the way the BPZ was defined, particularly in relation to the significant variations in its width and with regard to specific areas, where the BPZ appears to circumvent specific land plots.
- Several relaxations of national law provisions are granted by the Council of Ministers for the construction of buildings or other structures within the BPZ and, in cases of detection of illegal constructions or noncompliance with the terms of the relaxations granted, no effective measures are taken to remedy the situation. As a result, the achievement of the objectives set by legislation, in relation to the determination of BPZ (the protection or conservation of the character and amenities of the beach or public access) is in question.
- The documentation, by the competent Authorities, of how the public interest is served, in justifying the granting of a relaxation is, in most cases, inadequate.
- High tolerance is exhibited in cases of applications for the approval of interventions in the BPZ relating to constructions in progress or already completed. Specifically, instead of applying sanctions to offenders, ex post approvals are granted.
- High tolerance is exhibited by the competent Authorities, where the conditions set for granting the town planning or building permit, or the relaxation, are not met .
- District Administration Offices do not perform systematic inspections to identify illegal interventions within the BPZ, so that timely measures may be taken.
- Cases of illegal interventions in the marine area, and although these were known to the competent Authorities, no action was taken against the offenders.
- The plot title deeds submitted with relaxation requests and town planning permit applications, are not up to date.

- District Administration Offices do not always consult the Department of Public Works before granting permission for the extraction of sand from beaches.
- According to the District Administration Offices, most interventions identified within the marine area involve groynes, which were constructed decades ago.

To harmonize the national legislation to the EE directives, the following steps should be taken:

- Decentralization of the current law infrastructure, to provide a better framework and definition on the effects of coastal erosion, rather than being dependent on the current district governor/council.
- The new legislation should take into account not only the EE directives, but also the local coastal management experts, for the legislation to mirror the needs of the situation in Cyprus.
- Finally, more research is required to identify the exact causes of erosion and the have a detailed assessment of the damage done so far in the coasts of Cyprus.

## **The Protection of the Beach Law (CHAPTER.59)**

### **Brief Title**

1. This Law shall be referred to as the Protection of the Beach Law.

### **Interpretation**

2. In its self

"Competent authority" shall have the meaning assigned to it by Article 2 of the Road and Building Law.

"Local authority" means the municipal council concerned and a Community council area for the municipal council concerned.

"License holder" means the person who, at the date of the entry into force of the Protection of the Beach (Amendment) Law of 2004, held and still holds a permit for the provision of facilities or services granted by the relevant authority, the name of which is published on a list which is posted for inspection by the public at the offices of the local authority.

"Prosecutor" means the District Prosecutor in which the part of the beach referred to in each case is located.

"Inland authority" means the local authority at the borders of which the section of the beach referred to in each case is located.

"Building" has the meaning assigned to it by Article 2 of the Road and Building Law.

"Beach" includes sand within a distance of not more than one hundred yards from the line of the highest tide, as determined by the Minister by a notice published in the Official Gazette of the Republic.

"Provision of facilities" means the placement on the beach, for rent or other exploitation, of moorings, sea sports and other objects, including the use or placement of sea and other objects or facilities for the purpose of conducting any of the sea sports or entertainment.

"Provision of services" means the placement at a fixed location of the sea bed and umbrella bed for hire or concession to bathers.

"Minister" means the Minister of the Interior and includes any officer in the Ministry responsible, who has been authorized for this purpose by the Minister.

### **Governor's authority to prohibit beach operations,**

3 .- (1) The Prosecutor may, at any time by a notice published in the Official Gazette of the Republic, strictly prohibit or impose restrictions or conditions therein:

(a) the excavation, extraction, loading or accumulation of stones, pebbles, gravel, sand or other matter within the section of the beach specified in this notice or moving therefrom or attempting to carry out any of the most above mentioned acts

(b) the disposal of any unnecessary debris, stones, waste, scrap, rubbish, household impurities, oils, lubricants or other liquid lubricating oil, solid or liquid wastes or other wastes:

- (i) on the part of the beach specified in the notification
  - (ii) at sea within such a distance from the tide-bottom line as specified in the notification
  - (iii) from any dock, waterfront, pier or pier
  - (iv) from any oil tanker or other means of sea transport which may be within or through the territorial waters of Cyprus
- (c) the parking, installation, abandonment or erection of any motor vehicle, craft, caravan, carriage, hand pallet, container, commercial vehicle, commercial vehicle or instrument, pavilion, stage or any other similar type within the area specified in that notification; of nature with the above-mentioned vehicles, craft, objects, articles, materials, instruments or constructions:

Provided that in the event of any breach of the provisions of this paragraph and irrespective of any other measures taken against the offender, the Prosecutor may proceed:

- (i) moving or removing from the specified area any vehicle, vessel, article, article, material or instrument that has been parked, placed or abandoned in violation of this paragraph.
- (ii) removing, demolishing, dismantling or dismantling any construct, and moving and removing from the specified area the materials and articles of such a structure which was erected or placed in contravention of this paragraph.

(2) The provisions of this Article shall apply irrespective of whether the part of the beach specified in the notification belongs to an individual.

(3) Any person who, following the publication of the disclosure under subsection (1), is in breach of the conditions of such disclosure shall be guilty of a criminal offense and if the offense concerned relates to any act or action listed in paragraphs (a) or (b) of subsection ) shall be liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding one thousand five hundred pounds or to both of those penalties if the offense in question concerns any act or action listed in paragraph (c) of paragraph (1) shall be liable to imprisonment for a period not exceeding three months or to a fine not exceeding five hundred pounds or both, and the court which has sentenced him or her may, in addition to the sentence imposed, order the convicted person to:

- (a) to pay for public revenue the value of any stone, pebble, gravel, sand or other matter in relation to which the offense was committed; and / or

(b) to dispose at its own expense any waste of debris, rubble, waste, rubbish, household impurities or other waste or any oil, engine oil or other liquid lubricating oil or solid or liquid waste discarded in breach of the notification or to pay to He has all the necessary expenses for this move.

(4) In the event of a second conviction by any person of offenses in violation of this Law which involves the movement of any stone, pebbles, gravel, sand or other material from the beach, any vehicle, vessel, container or other vessel used in or for this movement is confiscated.

(5) The Prosecutor may appoint guards to protect the beach.

(6) In this Article, "craft" means a ship, a yacht, a boat, a raft, a barge and a floating platform, and includes any floating means irrespective of how it is pushed or moved.

(7) The provisions of this Article shall not apply to cow, as interpreted in Article 5B, which shall be affixed to the beach after authorization by the competent authority under that Article.

**Storage, disposal, etc., vehicle, object, etc., which was removed and responsibility for related costs**

3A .- (1) In any case where the Prosecutor removes from the area specified in the notification any vehicle, vessel, object, article, instrument, construct or material under the reservation of paragraph (c) of subsection (1) Article 3, he shall take all reasonable measures necessary for the safe storage of the vehicle, craft, article, article, instrument, construct or material in question and in the event of any damage caused by negligence which does not include natural wear, that a charged Democracy.

(2) All costs incurred by the Prosecutor for moving, removing and storing any vehicle, vessel, article, item, material or instrument, or for the removal, demolition, dismantling or dismantling of any structure and moving, removing and storage of materials and objects of construction pursuant to paragraph (c) of subsection (1) of article 3 and pursuant to subsection (1) of this article shall be paid to the Prosecutor by the infringer, the owner or any other person having the control or control of the vehicle, craft, object, kind, material or instrument or construct in connection with which the offense was committed.

(3) At the request of the Police, the Prosecutor shall be obliged to deliver to it, any vehicle, vessel, object, article, instrument, construct or material held by him under subsection (1) for use as a presumption in any proceedings of the offender.

(4) In the event that the owner or any other person responsible for or control of any vehicle, craft, article, article, instrument, construct or material taken under the supervision of the Officer by virtue of subsection (1), the Prosecutor shall make a notification in the Official Gazette of the Republic describing the vehicle, vessel, object, article, instrument, construct or material and inviting any person who so requests to submit his claim to District Officer As one month of such publication.

(5) Any vehicle, vessel, object, article, instrument, construct or material held by the District Officer pursuant to subsection (1) which will not be claimed within one month of the publication of the notification referred to in subsection (4) sold or otherwise disposed of or destroyed as intended by the District Officer:

Provided that if the Prosecutor is of the opinion that the direct sale or other disposal of such vehicle, vessel, article, article, instrument, construct or material would be for the benefit of the owner or any other person who is responsible or its control, may proceed with the direct sale or other disposal thereof, so that the call made in the notification under subsection (4) must refer to the product of that sale or disposal.

(6) In the event that any person claims on the application, submitted within one month of the publication of the notification referred to in subsection (4), the ownership, liability or control of any vehicle, vessel, article, article, (5), the Prosecutor may act in accordance with the main part of subsection (5), unless he has previously made the sale or otherwise disposition of the vehicle, Kafou, object type, organ, or construct materials by applying the subject of said section (5):

Provided that the applicant is entitled to call upon the decision of the Recipient with a request made to the Minister within seven days of the decision, and in such a case the Prosecutor may not take any action under the main part of the paragraph (5) before from the decision of the Minister.

(7) The sale or disposal of any vehicle, craft, article, instrument, construct or material carried out pursuant to subsection (5) or subsection (6), after deduction of the cost of moving, removing, storing and selling or otherwise disposing of it, will be available in such a way as to be determined by the Minister.

### **Powers of police officers to stop, investigate, seize and detain a means of transport**

4 .- (1) Any police officer or guardian appointed by the District Officer pursuant to Article 3 may, with reasonable suspicion, stop and investigate any means of transport for the purpose of verifying whether a criminal offense has been committed in violation of section (3) Article 3 and seize any such means of transport together with any material found therein.

(2) Any such means of transport and material seized pursuant to subsection (1) shall be retained at the nearest police station for a period not exceeding forty-eight hours unless, in the meantime, the Prosecutor or, in the event of criminal proceedings, of which the criminal proceedings are brought, order otherwise.

(3) Any person who, under the responsibility of any means of transport, refuses to stop or permit the search or seizure where required by a police officer or guardian under paragraph (1), is guilty of a criminal offense and is subject to imprisonment for a period of time not exceeding three months or to a fine not exceeding five hundred pounds or both of these imprisonment and financial penalties.

### **Buildings on the beach**

5 .- (1) It is forbidden to construct or place on the beach constructions for which the Ministerial Council has not been approved pursuant to Article 5A of the Law and a permit based on the Town Planning and Planning Law and / or the Road and Building Regulation Law .

(2) A construct constructed or installed in contravention of the provisions of subsection (1) may be demolished or moved by the District Officer irrespective of any other measures that may be taken against the owner or its holder.

(3) An existing construction which has been granted a permit under paragraph (1) of the abrogated Article 5 of the Basic Law shall be relocated no later than twelve months after the date of entry into force of this Law. After the end of this period, the temporary construction will be considered illegal and will be legal for the District Officer to move it.

(4) The expenses of the Officer for the movement of a construct shall be borne by the owner and / or its holder and may be recovered as a civil debt.

(5) For the purposes of this Article, "construct" means a hatch, shed or other temporary or permanent structure and includes a movable structure.

### **Power to identify areas where building construction is banned**

(1) The Council of Ministers may, at the request of a competent authority or otherwise, for the purpose of protecting or preserving the character and amenities of any beach, or its approach by the public by a notice published in the Official Gazette of the Republic, to define any area on the beach or that adjoins the beach, within which no construction of any kind will be erected.

(2) Notwithstanding any provision contained in the Road and Building Law, from the publication of a Disclosure pursuant to subsection (1) of this article and afterwards, no permit for the construction of any building within the area defined in the Notice.

Provided that if in any exceptional case the competent authority is satisfied that the public interest requires the issuance of a permit for the construction of a building, it may submit this case to the Council of Ministers, which, at its discretion, may, at its sole discretion, authority, irrespective of the Disclosure posted as mentioned above, to issue such an authorization and on such terms as the Council of Ministers deems appropriate.

(3) If, in any way, substantial damage to property has been caused as a result of the application of the provisions of this Article, the competent authority must pay fair compensation in the light of all the circumstances of the case.

### **Objects and games on the beach**

5B .- (1) No person may, without the prior authorization of the relevant authority and in breach of the conditions laid down in that authorization;

(a) Place on the beach or allow another person to place it in a crap for personal use or chairs or tables for use by clients of an adjacent private business.

(b) organize or perform any game or take part in any game on the beach.

(2) Notwithstanding the provisions of subsection (1), the authority concerned may remove the trousers, chairs, tables or other items placed illegally on the beach, which shall be returned to the holder, provided that he pays all costs to the competent authority removal and storage:

Provided that the authority concerned ensures that they are safely kept and, if, after a 48-day period provided to the holder with a written warning, the holder is not interested in their recovery, the items are disposed of and the amount of the divestiture is deposited with the fund .

(3) In this Article, "unskilled" means any motorized or sailing vessel and includes a boat, catamaran, windsurfing, sea bikes, canoes and any other navigable vessel, and any other object trailer.

### **Provision of services or facilities**

5C .- (1) No person may provide services or facilities without the prior authorization of the authority concerned and in breach of the conditions laid down in such authorization:

Provided that the authority concerned is able to remove objects placed illegally on the beach for the purpose of providing services or facilities which will be returned to their holder after he has paid all costs of removal and custody to the competent authority:

It shall be further provided that the competent authority shall ensure the safe keeping thereof and if, after a 48-day period provided to the holder with a written warning, the holder is not interested in their recovery, the items shall be disposed of and the amount of the divestiture shall be deposited with the fund principle.

(2) A local authority may itself provide services on the state beach within its boundaries.

(3) Facilitating permits are granted by the authorities concerned, only at points of the beach defined by the approved beach use plan. Providing facilities for fishing shelters, harbors, marinas, pleasure craft and cruise ships is prohibited.

(4) The competent authority may, when examining an application submitted under subsection (1), issue a service license in parts of the beach which fall on a state coastal land leased by the State.

### **Forbidden actions on the beach**

5D .- (1) No person may,

(a) Use the beach in such a way as to prevent the bathers from moving within three to five meters of the sea water level as determined by the relevant authority for each area by a notice stating on a sign in a prominent part of each area

(b) harass others with their behavior on the beach

(c) pollute in any way the beach or the sea

(d) driving a motor vehicle or other wheeled vehicle of any nature on the beach

(e) drive or transit any animal on the beach or in a sea-bed cleansing except in areas designated by the Central Beach Commission as areas for the treatment of dogs at sea.

(2) Anyone who violates the provisions of subsection (1) shall be guilty of an offense and may be prosecuted by the competent authority pursuant to Article 5K.

### **Power Cabinet to prohibit the granting of licenses**

5E. The Ministerial Council may, on a proposal by the Minister or otherwise and after consultation with the Central Beach Commission, be satisfied that the public interest requires it for reasons of protection or conservation of the natural archaeological or ecological character of any beach or for reasons related to the marine life or town planning and planning or for any other special reason, with a notice published in the Official Gazette of the Republic, determine any area of the beach in respect of which any license under Article 5B and 5C will not provide facilities or services from local administration authority will be issued.

### **Central and Local Beach Committees**

5 .- (1) A Central Committee for Beaches is hereby established, composed of the Chairman of the Union of Municipalities or his representative as chairman, by a representative of the Ministries of Interior, Transportation and Works, Agriculture, Natural Resources and Environment, Justice and Public Order, The Cyprus Tourism Organization, the Department of Town Planning and Housing, three other representatives of the Union of Cyprus Municipalities, two representatives of the Federation of Unions of Cyprus Communities and one representative of the Federation of Environmental Organizations as members, powers conferred upon it by this Law.

(2) A Local Beach Committee, established by the President of the relevant authority or its representative, shall be established for each relevant area as chairman by a representative of the Cyprus Tourism Organization, the Department of Town Planning and Housing, the Department of Lands and Surveys, District Administration and three other representatives of the relevant authority, as members, exercising the powers conferred upon it by this Law.

### **Plan for using the beach**

5Z. (1) Subject to the provisions of Article 3 of the Law on the Protection of Bathers in the Sea, a plan for the use of the beach (hereinafter referred to as the "Plan"), prepared by the Local Committee Beaches for each municipality or community and approved by the Central Beach Commission, with or without modifications. Approved

plans are notified by the Central Beach Committee immediately after their approval to the House Standing Committee on Home Affairs for information.

(2) Subject to the provisions of Article 13, the plan shall state the points of the coastal State land, with the exception of any part of the land for which a notification under Article 5E has been published, in which it may:

- (a) local authority to place sea beds and sun visors (umbrellas) for service purposes;
- (b) a licensed person places sea beds and sun visors (umbrellas) for the purpose of providing services;
- (c) a licensed person places stunts, sea sports items and other items for the purpose of providing facilities;
- (d) a local authority to create access to ensure the free movement of persons with disabilities;
- (e) a person authorized to provide access to ensure the free movement of persons with disabilities.

(3) The points and placement of sea beds and umbrellas shall be 3 to 5 meters from the highest point of water at flood time so that the beach can be used freely by the bathers.

(4) The maximum permissible number of sea beds and parasols (umbrellas) shall be marked in the drawing for each point where sea beds and umbrellas are placed, so that the total number of sea beds and parasols in each area as specified in the plan does not covers more than 50% of the area's capacity:

Provided that the distance of one of the licensed licensees from a sea bed and parasol shall be at least twenty (20) meters.

(5) For the purposes of calculating the beach capacity, an area of 8m<sup>2</sup> is calculated. per person or 16 sq.m. for each sunbed (umbrella) with two sea beds.

(6) A plan approved by the Central Beach Commission and signed by its President shall be submitted to the relevant authority for inspection by any interested party, and a notice shall be published in the Official Gazette of the Republic.

(7) Any person or local authority that claims that their legitimate interests are being harmed may, within thirty (30) days from the date of publication of the notice, issue the Official Journal of the Republic, submit a Hierarchical Application to the Minister stating the reasons for their support, while notifying their appeal to both the Central Beach Commission and the authority concerned.

(8) The Minister shall, within thirty (30) days from the filing of the Hierarchical Application, examine and notify its decision both to the applicant and to the Central Beach Committee and to the relevant authority.

(9) A draft approved by the Central Beach Commission and for which no Hierarchical Appeal has been submitted becomes final.

(10) A draft approved by the Central Beach Commission for which a Hierarchical Appeal has been submitted shall become final following the examination of the appeal and the issue of the relevant decision of the Minister.

(11) A draft approved by the Central Beach Commission and made final as provided for in paragraph (10) is forwarded to the relevant authority for implementation.

(12) For the future revision of a plan, the procedure laid down in this Article shall be followed.

### **Central Beach Committee Responsibilities**

5.- (1) The responsibilities of the Central Beach Committee include, in addition to the provisions of the other provisions of the Law, the following:

(a) (i) the approval of the defined bids;

(ii) approval of the license application forms submitted by licensees;

(iii) the approval of the prescribed application forms for authorization and the conditions for granting the authorization for the purposes of Article 5B.

(b) The determination of the maximum and minimum licensing rights by the relevant authorities, depending on the coastal area, and the publication of a relevant notification in the Official Gazette of the Republic:

It is understood that the Central Beach Board has the power to determine the maximum and minimum entitlements to be paid to the relevant authorities by the beneficiaries of permits for the provision of services or facilities under subsection (2) of Article 5Θ and by persons who have obtained a permit pursuant to Article 5B.

(c) The determination of maximum rights for the provision of services or facilities on the beach by licensees and local authorities and the publication of a notice in the Official Gazette of the Republic.

(d) The issue of guidance documents to the Local Beach Committees in order to ensure a uniform interpretation and application of the Law and the Regulations issued under it.

- (e) To submit recommendations to the Minister for matters related to this Law.
- (f) Monitoring the implementation of the plan and its decisions by local authorities.
- (g) the designation of special areas for biting dogs.

(2) For the purposes of paragraphs (b) and (c) of subsection (1) and with reference to the plan, the Central Beach Commission shall classify the various beach areas in categories, based on marketability and attractiveness of each area.

### **Offers**

(A) Subject to the provisions of subsection (2), where a local authority decides not to provide services itself in accordance with sub-paragraph (2) of Article 5C, it will grant such permits to persons only after offers.

(b) Permits to provide facilities are granted by the authority concerned to persons following tenders.

(c) the members of the local authorities and the employees and workers of those authorities shall not be entitled to submit a bid under paragraphs (a) and (b).

(2) (a) Without prejudice to the provisions of the plan and the provisions of subsection (1) of this Article, a permit to provide facilities or services to licensees shall be granted without tenders in accordance with the terms and conditions of Article 5H and of the present Regulations:

Provided that the entitlement to allowance to licensees without tenders ceases to apply in the case of permit granting after seven years from the date of entry into force of this Law and in the case of a license to provide services after two years from the date of its entry into force of this Law.

(b) Notwithstanding the provisions of the reservation in paragraph (a) of this subsection, the right to grant authorization to service-free tenderers shall continue to exist until 31 December 2010.

(2a) Notwithstanding the provisions of paragraphs (1) and (2), the right to grant authorization to the holders of a facility or service without tenders shall continue to exist until 31 October 2014:

Provided that, notwithstanding the provisions of this sub-paragraph, tenders for the award of facilities or services to persons shall be offered at the latest during the period commencing on 31 October 2013 so that the procedure for the granting of permits for the provision of facilities or services after tenders have been completed by 31 October 2014 and such licenses will be valid from 1 November 2014.

(3) Tenders for the award of facilities to persons, where the five-year facility is granted, are issued during the fourth year.

(4) Licenses granted under this Article shall be personal:

It is understood that such licenses issued to natural persons may be transferred to another person only if that person is a child or spouse of the licensee and pursues the profession and if the licensee dies or becomes permanently incapacitated for work during the period of validity of the permit and until end of its validity.

(5) Permits issued refer to the observance of the specific working hours from 7 am until 7 pm daily.

### **Hierarchical appeal**

(1) Any person not satisfied by a judgment given under Articles 5B, 5C and 5Y may, within fifteen days of notification of the decision to that effect, file a written appeal to the Central Beach Commission, it shall state the reasons for its support while notifying its application to the authority concerned.

(2) The Central Beach Board shall examine the appeal without undue delay and notify its decision to the applicant and the authority concerned.

(3) The decision of the relevant authority pursuant to Articles 5c and 5h shall not become enforceable in the event of an appeal until the decision of the Central Beach Board and, if no appeal has been lodged, until the expiry of the period provided for in subparagraph (1).

### **Offenses**

(1) A person who violates or fails to comply with the provisions of Articles 5, 5B, 5C, 5D and 5Z or the terms of an authorization issued under the applicable Regulations issued pursuant to Article 7A or by any means hinders the free movement or access to the beach, is guilty of an offense and, in the event of conviction, is subject to imprisonment not exceeding 12 months or to a fine not exceeding one thousand pounds or to both of these penalties. Additionally, the court hearing the case may order the transfer, at the expense of that person, of any piece of work or object lying illegally in any part of the beach.

(2) Without prejudice to the provisions of subsection (1), the authority concerned may, in case-

(a) Infringement of Articles 5B, 5C, 5Z,

- (b) breach of the terms of an authorization granted under Articles 5B, 5C, 5Z,
- (c) establishing that a permit was granted following a deceit, false declaration or concealment of a material occurrence knowing the licensee,
- (d) conviction of the licensee for an offense under this Law or the Regulations issued under it or of any other offense which, in the opinion of the relevant authority;
- (i) testifies to improper or inappropriate performance of his / her professional duties; or
- (ii) is among the offenses for which the non-existence of a conviction is a precondition for the issue by the Chief of Police of the certificate of good character provided for in Regulation 4 of the Beach Protection (Permits and Rights) Regulations, to remove immediately from the beach any subject to it without authorization and revoke or suspend any license issued:

It shall be understood that no license shall be revoked or suspended under this Subpart unless notice of withdrawal is given to the licensed one-week notice of the revocation or suspension, giving details of the reasons for the revocation or suspension and giving him the opportunity to submit in writing , within one week of objections to this action:

It is further understood that the authority concerned may require the infringer to pay the costs incurred by him for the removal of illegal objects from the beach.

(3) If, in the application of the provisions of subsections (1) and (2), damage is caused to the infringer, the competent authority shall not be liable and shall not be obliged to pay any compensation.

### **Covering of drains and extending them into the sea**

6 .- (1) The Ombudsman may, upon his notice, require any person or City Council to cover, within such a period as may be specified in the notice, any drainage that crosses the beach and extends it to the sea by pipes until such distance as the Prosecutor wanted to order.

(2) Upon receipt of such notice as provided in subsection (1), such person or city council shall take all necessary measures to comply with the terms of the Commissioner, and if that person or authority fails or neglects to comply with the conditions of the District Officer, the Prosecutor may proceed with the execution of the necessary works and the resulting cost shall be paid by that person or by the Municipal Council.

### **Provision of permits for moving materials, from the beach**

7. Notwithstanding the provisions of Article 3, the Prosecutor may, in his judgment, grant any person permission to move stones, pebbles, sand, gravel or other matter from any part of the beach being the subject of an alert (a) of subsection (1) of Article 3, or any part of it, whether it belongs to the public or to an individual, but with the consent of the owner in respect of any part of the beach belonging to an individual and may impose such fees or royalties; one must be made in public revenue which will be defined in relation to any license or rights granted to it.

### **Power Cabinet to determine type, terms, fees, etc., licenses**

7A .- (1) The Council of Ministers may, by means of regulations approved by the House of Representatives and published in the Official Gazette of the Republic, determine the procedure for granting and the type of any licenses issued under this Law, the restrictions or conditions applicable the permits and the fees to be paid in relation to them and the rights and method of calculating them, whether in respect of the whole of the Republic or in respect of such a region as intended in the battalion.

(2) An authorization issued under this Law shall not be transferable and shall be valid for the provision of services until 31 December of the second year following its issue and for the provision of facilities until 31 December of the fifth year following its issue, unless it is set at that earlier expiry date:

Provided that in the case of permits for granting facilities, the authorities concerned may impose an increase of up to 5% per annum on the initial amount of the award of the tender, during the renewal of the license for the fourth and fifth years of validity of the offer.

(3) Any license issued under this Law shall permit the use of the beach from March to November, shall oblige the licensees to move the sea beds, sun visors, sunscreens, sea sports articles and other objects during the during the period from 1 December to the end of February of the following year and will provide for the daily removal of the aforementioned items at concentration points to be set in the permit conditions from 7 pm until 7 am the next day for the period from 1 March to 30 November.

(3) All rights, fees and fines collected under the provisions of this Law shall be paid to the relevant authority and shall form part of its fund.

(4) The expenses recovered under the provisions of this Law shall be paid as follows:

(a) to the Fixed Fund of the Republic, if these were made by the District Officer.

(b) To the fund of the relevant authority, if these were made by a local authority.

### **The privilege of the Republic is reserved**

8. Any provision contained in this Law shall not be deemed to affect any right, interest or privilege on the beach acquired by the Republic otherwise.

### **Cleaning the beach**

9. It is the responsibility of each local authority to clean the beach within its boundaries as well as the sea area used by the bathers.

#### Beach inspectors

10 .- (1) Any local authority may appoint beach inspectors or entrust the performance of inspectors' duties to other officers.

(2) Tasks and responsibilities of beach inspectors are

(a) Checking if items are carried on the beach or if toys are being carried out or if services or facilities are provided without the permission of the authority concerned

(b) the verification of compliance with the provisions of this Law, the Regulations issued on the basis of this Law and the terms of the authorization granted to him by each licensee

(c) monitoring the use of the beach in general and the attestation that the users-

(i) use the beach in order,

(ii) do not interfere with the free movement therein within three to five meters of the sea water level, as determined for each area by the authority concerned,

(iii) do not harass others by their behavior,

(iv) they do not pollute the beach and the sea

(d) the receipt of personal details of any offenders in the Law or the Regulations or the terms of a license granted and the filing of a complaint to the appropriate authority.

(3) In carrying out their duties, the inspectors shall carry a special distinctive mark.

#### Power of the Central Committee

11 .- (1) If the Central Beach Commission, following an investigation, finds that a local authority fails to observe or fails to apply any of the provisions of this Law or the Regulations adopted on the basis thereof or that it applies them improperly, by a decision which it notifies to that authority, impose a fine of up to one thousand pounds on it and requires it to act appropriately within a specified time limit, and if, on expiry of that period, negligence or omission continues, this all or any of the powers or responsibilities which the principle is based on this Law and the Regulations thereunder and assigns availing himself of any other body or person:

Provided that the institution or person to whom powers or responsibilities are delegated in accordance with the provisions of this Article is encompassed by all the powers or responsibilities of the local authority.

(2) Any amount imposed on a local authority as a penalty payment under the provisions of subsection (1) shall be collected by the Association of Cyprus Municipalities, deposited with the Fund and used exclusively to cover operating expenses of the Central Beach Commission.

License does not create a privilege

12. An authorization granted under the provisions of Articles 5B and 5C shall not create or confer on the holder any right, privilege, interest or benefit in the part of the beach to which it relates.

### **Modification History**

State forest

13. Notwithstanding the provisions of the Forests Law and solely for the purposes of this Law, no local authority shall provide services and permits to individuals for the provision of services or facilities on a beach located in state forest, except with the permission of the Department of Forests, with specific terms for each region:

Provided that no license is granted to beaches located in areas declared in areas of protection of fauna and flora.

For the purposes of this Article, the term "State Forest" has the meaning assigned to it in Article 2 of the Forest Law.

**NOTES:**

Note 1

Observations of the Revision and Consolidation Service of Cyprus Legislation

1. The Basic Law entered into force on 7 December 1934.

2. The 1987 Beach Protection (Amending) Law of 1987 (21 January 1987), which entered into force on the day of its publication, that is to say, on 6 March 1987, contained the following transitional provision in Article 4:

Transitional provisions.

4 .- (1) Notwithstanding the provisions of this Law, a person who has exploited any part of the beach under the permission of a competent authority issued prior to the entry into force of this Law, as well as any other person who, after satisfying the relevant (b) of this Law, may, upon application, not later than 30 September 1988, be used by any local authority, for the purposes of Article 5 (c) of the Basic Law, as amended by Article 2 7, request the local authority concerned to grant the permit provided for in the above paragraph.

(2) Any license granted under this Article shall be valid for three years from the date of its issue and in any case expires on 31 December 1989.

(3) Any license granted under this Article shall not create or transfer to the holder any other right, privilege, interest or any other advantage in the part of the beach of which he exploits or uses.

Note 2

7 of N75 (I) / 94 Specific provisions

(1) Notwithstanding the other provisions of this Law and of the Basic Law, the validity of licenses for the provision of services or facilities issued up to 31 December 1993 shall be extended until 31 December 1996 and 1997, respectively.

(2) For the years 1995, 1996 and 1997, the fees payable on the date of entry into force of this Law are increased by 14% in 1995 and 1996 and by 28% in 1997.

Note 3

16 of N98 (I) / 97 Specific provision

16 of N.98 (I) / 97. Irrespective of the other provisions of the Basic Law and any law amending it, permits for the provision of services or facilities issued until 31 December 1993 shall be valid until 31 January 2004.

Note 4

9 of Law 3 (I) / 2004 Declarator's Note

Article 7A is amended by replacing subsection (2) of the Basic Law with new paragraphs (2) and (3). Thus, in the text of the law, there is a new paragraph (2) and (3), followed by subsection (3) which existed prior to this amendment.

Note 5

11 of Law 3 (I) / 2004 Declarator's Note

Article 13 of the Basic Law is repealed, and Articles 14 and 15 thereof are renumbered Articles 13 and 14, respectively. However, there is no Article 15 in the text of the Law.

**LINKS:**

Cyprus Law for Coastal Erosion:

[http://www.cylaw.org/cgi-bin/sinocgi.pl?searchoption=1&query=%F0%F1%EF%F3%F4%E1%F3%DF%E1+%F0%E1%F1%E1%EB%DF%E1%F2&title=&date\\_begin=&date\\_end=&masks=nomoi%2Fenop&hitsnom=100&nexthit=1](http://www.cylaw.org/cgi-bin/sinocgi.pl?searchoption=1&query=%F0%F1%EF%F3%F4%E1%F3%DF%E1+%F0%E1%F1%E1%EB%DF%E1%F2&title=&date_begin=&date_end=&masks=nomoi%2Fenop&hitsnom=100&nexthit=1)

Cyprus Governmental summary of the coastal zone management (including coastal erosion issues):

[http://www.audit.gov.cy/audit/audit.nsf/All/0C06A628C08FC3C0C2257D650038CDD5/\\$file/Coastal%20management%20report%20summary.pdf?OpenElement](http://www.audit.gov.cy/audit/audit.nsf/All/0C06A628C08FC3C0C2257D650038CDD5/$file/Coastal%20management%20report%20summary.pdf?OpenElement)